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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,073	09/28/2001	Yuki Wakita	214491US2X	3398

22850 7590 01/30/2006

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EXAMINER
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PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/965,073

Applicant(s)

WAKITA ET AL.

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/27/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 and 52-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 10/27/2005.

Claims 1-63 are pending in this application and claims 1-31 and 52-63 are withdrawn. Claims 32, 35, 41, 49, 50, and 51 are independent claims. In the amendment filed 05/04/2005, Claims 32-38, 40, 41, 49, 50 and 51 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant claims "expressing the content structure of said root object by a tree-structure set membership consisting of zero or more objects, said zero or more objects comprising zero or more parent objects and zero or more child objects, each child object respectively corresponding to one of said zero or more parent objects." However, there could be a case where there are zero child objects and zero parent

objects therefore making the tree consist of just the root. If that were the case the rest of the limitations that refer to parent and child objects would not apply.

Claim 35 recites the limitation "the object" in line 13 and "object selected" in line 14. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which object is being referred to.

Claim 39 recites the limitation "retrieval" in line 3. There is insufficient antecedent basis for this limitation in the claim. The Examiner is unclear to what "retrieval" the applicant is referring to.

Claim 41 recites the limitation "the object" in line 13 and "object selected" in line 14. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which object is being referred to.

Claim 46 recites the limitation "the actually existing object" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which object is being referred to.

Claim 50 recites the limitation "the object" in line 13 and "object selected" in line 14. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which object is being referred to.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Srivastava et al. (US 6549922).

In regards to independent claim 32, Srivastava teaches an object content structure management method for managing a content structure of a root object, wherein said root object includes attribute data corresponding to a media file, comprising expressing the content structure of said root object by a tree-structure set membership consisting of zero or more objects, said zero or more objects comprising zero parent objects and zero child objects, each child object respectively corresponding to one of said zero parent objects (See Figure 2, Element 230, and 242). Since the rest of the claim limitations deal with either the parent or the child objects and since Srivastava has zero parent and child objects, the rest of the claim limitations are met.

In regards to claim 33, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 34, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to independent claim 35, Srivastava teaches an object content structure management method for managing a content structure of a root object, wherein said root object includes attribute data corresponding to a media file, comprising expressing the content structure of said root object by a tree-structure set membership consisting of zero or more objects, said zero or more objects comprising zero parent objects and zero child objects, each child object respectively corresponding to one of said zero parent objects (See Figure 2, Element 230, and 242). Since the rest of the claim limitations deal with either the parent or the child objects and since Srivastava has zero parent and child objects, the rest of the claim limitations are met.

In regards to claim 36, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 37, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 38, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 39, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 40, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to independent claim 41, Srivastava teaches an object content structure management method for managing a content structure of a root object, wherein said root object includes attribute data corresponding to a media file,

comprising expressing the content structure of said root object by a tree-structure set membership consisting of zero or more objects, said zero or more objects comprising zero parent objects and zero child objects, each child object respectively corresponding to one of said zero parent objects (See Figure 2, Element 230, and 242). Since the rest of the claim limitations deal with either the parent or the child objects and since Srivastava has zero parent and child objects, the rest of the claim limitations are met.

In regards to claim 42, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 43, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 44, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 45, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 46, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 47, Srivastava has zero parent and child objects; therefore the claim limitations are met.

In regards to claim 48, Srivastava has zero parent and child objects; therefore the claim limitations are met.

Claim 49 is similar in scope to claim 32; therefore it is rejected under similar rationale.

Claim 50 is similar in scope to claim 35; therefore it is rejected under similar rationale.

Claim 51 is similar in scope to claim 41; therefore it is rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claims 32-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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